

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

CHARLES FORTE,)
)
Petitioner,)
v.) Nos. 1:03-cv-399 / 1:00-cr-164
) Edgar / Lee
UNITED STATES OF AMERICA,)
)
Respondent.)

MEMORANDUM AND ORDER

This case is before the Court on a motion by federal prisoner Charles Forte (“Forte”) for post-conviction relief pursuant to 28 U.S.C. § 2255. The government opposes the motion. Pursuant to 28 U.S.C. § 636(b)(1)(B), the Court referred the motion to Magistrate Judge Susan K. Lee for a report and recommendation.

On May 9, 2005, Magistrate Judge Lee filed her first report and recommendation. [Court Doc. No. 17]. The Magistrate Judge recommends that the § 2255 motion be denied without an evidentiary hearing. Forte filed objections to the first report and recommendation. [Court File No. 20]. Forte attached to his objections a supplement to his motion wherein he raises new arguments and different grounds for relief. The Court allowed Forte to amend or supplement his motion, and referred it Magistrate Judge Lee for a supplemental report and recommendation. [Court Doc. No. 21].

The Magistrate Judge filed her supplemental report and recommendation on November 23, 2005. [Court Doc. No. 23]. The parties have not timely filed any objections to the supplemental report and recommendation.

After reviewing the entire record *de novo*, the Court **ACCEPTS and ADOPTS** both of the Magistrate Judge's reports and recommendations [Court Doc. Nos. 17, 23] pursuant to 28 U.S.C. § 636(b)(1). Forte's request for an evidentiary hearing is **DENIED**. Forte's objections to the first report and recommendation [Court File No. 20] are without merit and are **DENIED**.

The motion by Forte for relief under 28 U.S.C. § 2255 will be **DENIED and DISMISSED WITH PREJUDICE**. A separate judgment will enter.

SO ORDERED.

ENTER this *1st day of February, 2006*.

/s/ *R. Allan Edgar*
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE